

REMARKS

Based on the amendments to the claims and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

I. Status of the Claims

Upon entry of the foregoing amendment, claims 55, 56, 58 and 59 are pending, with claim 55 being the independent claim. Support for the amendment to claim 55 can be found throughout the specification as filed. No new matter has been introduced.

II. The Examiner Interview

Applicants wish to thank Examiner Epps-Ford for the helpful and courteous telephonic interview held with Applicants' undersigned representative on April 1, 2004. The issues in this application, including the cancellation of claim 57, were discussed.

III. Summary of the Office Action

In the Office Action dated November 17, 2003, the Examiner made 2 rejections of the claims. Applicants respectfully offer the following remarks to overcome the rejection made in the Office Action.

IV. The Rejection of Claims 55 and 58-62 Under 35 U.S.C. § 112, First Paragraph Must Be Withdrawn

In the Office Action at pages 1 through 4, sections 2 and 3, claims 55 and 58-62 have been rejected under 35 U.S.C. § 112, first paragraph, as the specification

allegedly does not enable one skilled in the art to make and use the invention commensurate in scope with the claims. The Examiner acknowledges that the specification *is* enabling "for methods of treatment of human melanoma tumors subcutaneously in humans and mice via administration o[f] the SPARC antisense shown in the specification as filed, and methods [o]f inhibiting SEQ ID NO:1, human SPARC, via administration of said antisense in cells in cell culture (*in vitro*)" but alleges that the specification does not enable the "methods of administration of any SPARC inhibitor for any treatment as broadly claimed." Office Action, page 1. Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 60-62 have been canceled by this amendment. As presently written, claim 55 is drawn to a method of treating a melanoma tumour in a human, comprising administering subcutaneously to cells of said tumour an antisense nucleic acid molecule comprising a sequence that is the reverse complement of nucleotides 15-1698 of SEQ ID NO:1. As the Examiner has indicated that the present specification is enabling for methods of treating melanoma by subcutaneously administering the antisense molecule shown in the specification, Applicants respectfully submit that claim 55 as presently written is enabled. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

V. The Rejection of Claims 55-59 Under 35 U.S.C. § 112, First Paragraph Must Be Withdrawn

In the Office Action at page 5, sections 4 and 5, claims 55-59 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter not described in the specification in such a way as to convey to one skilled in the art that the applicants were in possession of the claimed invention at the time the

application was filed. Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim 57 has been canceled thus rendering moot the rejection of this claim.

In support of this rejection, the Examiner asserts, "[w]ith the exception of the antisense nucleic acid molecule that is the reverse complement of nucleotides 15 to 1689 of SPARC cDNA, there are no other examples of functional antisense nucleic acid molecules that would be useful in the claimed methods." Office Action, page 5. As discussed above, the present claims recite an antisense nucleic acid molecule comprising a sequence that is the reverse complement of nucleotides 15-1698 of SEQ ID NO:1. As the Examiner has indicated that the specification does indicate that Applicants were in possession of these nucleic acid molecules at the time of filing of the application. Applicants respectfully request reconsideration and withdrawal of this rejection.

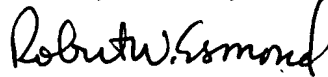
CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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